

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Kenneth C Whiteleather**  
**aka Kenny C Whiteleather**  
Debtor(s)

Bankruptcy Case No.: 18-24915-CMB  
Issued Per Oct. 24, 2019 Proceeding  
Chapter: 13  
Docket No.: 45 – 27, 39  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated February 14, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The secured claim of Citizens Bank (Claim No. 5) shall govern as to claim amount, to be paid at the modified plan terms.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

  
Carlota M. Böhm, Judge  
United States Bankruptcy Court

Dated: October 29, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Kenneth C Whiteleather  
 Debtor

Case No. 18-24915-CMB  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: jhel  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 40

Date Rcvd: Oct 29, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 31, 2019.

db  
 14970405 +Kenneth C Whiteleather, 5900 Babcock Boulevard, Unit 17, Pittsburgh, PA 15237-2553  
 14986240 +Barclays Bank Delaware, Po Box 8803, Wilmington, DE 19899-8803  
 14970409 +Chase Auto, Po Box 901003, Ft Worth, TX 76101-2003  
 14991202 +Citizens Bank N.A., One Citizens Bank Way, Mailstop: JCA115, Johnston, RI 02919-1922  
 14970410 +Citizens Bank Na, 480 Jefferson Boulevard, Warwick, RI 02886-1359  
 14970414 +Dsnb Macys, Po Box 8218, Mason, OH 45040-8218  
 14970416 ++FIFTH THIRD BANK, MD# ROPS05 BANKRUPTCY DEPT, 1850 EAST PARIS SE,  
 GRAND RAPIDS MI 49546-6253  
 (address filed with court: Fifth Third Bank, 5050 Kingsley Drive, Cincinnati, OH 45263)  
 14970415 +Federal Loan Servicing, Po Box 60610, Harrisburg, PA 17106-0610  
 14970420 +Fifth Third Bank, P.O. Box 637640, Cincinnati Ohio 45263-7640  
 14992256 +Mohela / Department Of Education, 633 Spirit Drive, Chesterfield, MO 63005-1243  
 14970426 +PNC BANK N.A., PO BOX 94982, CLEVELAND, OH 44101-4982  
 14970427 +Tbom / Milestone, Po Box 4499, Beaverton, OR 97076-4499  
 14970428 +Td Bank Usa / Target Credit, Po Box 673, Minneapolis, MN 55440-0673  
 14996727 Toyota Motor Credit Company, 111 West 22nd Street, Oakbrook, IL 60521  
 14993797 Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013  
 U.S. Department of Education, C/O FedLoan Servicing, P.O. Box 69184,  
 Harrisburg PA 17106-9184

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14970407 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 30 2019 03:35:25 Capital One,  
 Po Box 26625, Richmond, VA 23261-6625  
 14970406 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 30 2019 03:36:12 Capital One,  
 Po Box 30281, Salt Lake City, UT 84130-0281  
 14984215 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 30 2019 03:37:18  
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,  
 Charlotte, NC 28272-1083  
 14970408 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 30 2019 03:37:18 Capital One N.A.,  
 PO Box 30285, Salt Lake City, UT 84130-0285  
 14970411 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Oct 30 2019 03:11:23  
 Comenity Bank / Giant Eagle, Po Box 182789, Columbus, OH 43218-2789  
 14970412 +E-mail/PDF: creditonebknotifications@resurgent.com Oct 30 2019 03:35:25 Credit One Bank Na,  
 Po Box 98872, Las Vegas, NV 89193-8872  
 14970413 E-mail/Text: mrdiscen@discover.com Oct 30 2019 03:11:09 Discover Financial Services LLC,  
 Po Box 15316, Wilmington, DE 19850  
 15006896 E-mail/Text: bnc-quantum@quantum3group.com Oct 30 2019 03:11:32  
 Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,  
 Kirkland, WA 98083-0657  
 14973402 E-mail/Text: mrdiscen@discover.com Oct 30 2019 03:11:09 Discover Bank,  
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025  
 15002700 +E-mail/Text: kborkley@bernsteinlaw.com Oct 30 2019 03:12:11 Duquesne Light Company,  
 c/o Bernstein-Borkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,  
 Pittsburgh, PA 15219-1945  
 14970417 +E-mail/Text: GenesisFS@ebn.phinsolutions.com Oct 30 2019 03:12:24 Genesis / Celtic Indigo,  
 Po Box 4499, Beaverton, OR 97076-4499  
 14970418 E-mail/Text: bncnotices@becket-lee.com Oct 30 2019 03:11:12 Kohls / Capital One,  
 N56 West 17000 Ridgewood Drive, Menomonee Falls, WI 53051  
 14992042 +E-mail/Text: bankruptcydpt@mcsmc.com Oct 30 2019 03:11:47 Midland Funding LLC,  
 PO Box 2011, Warren, MI 48090-2011  
 14970419 +E-mail/Text: bankruptcydpt@mcsmc.com Oct 30 2019 03:11:47 Midland Funding LLC,  
 2365 Northside Drive, Suite 30, San Diego, CA 92108-2709  
 14970422 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Oct 30 2019 03:36:07  
 Portfolio Recovery Associates, 120 Corporate Boulevard, Suite 1, Norfolk, VA 23502  
 14998524 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Oct 30 2019 03:49:59  
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
 14971548 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Oct 30 2019 03:49:38  
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 14970421 +E-mail/Text: paparalegals@pandf.us Oct 30 2019 03:12:21 Patenaude & Felix APC,  
 501 Corporate Drive, Southpointe Center, Suite 205, Canonsburg, PA 15317-8584  
 15007555 +E-mail/Text: bncmail@w-legal.com Oct 30 2019 03:11:54 SYNCHRONY BANK,  
 c/o Weinstein & Riley, PS, 2001 Western Ave., Ste 400, Seattle, WA 98121-3132  
 14970423 +E-mail/PDF: gecsedirecoverycorp.com Oct 30 2019 03:37:05 Synch / Amazon, Po Box 965015,  
 Orlando, FL 32896-5015  
 14970424 +E-mail/PDF: gecsedirecoverycorp.com Oct 30 2019 03:36:00 Synch / JCPenney, Po Box 965007,  
 Orlando, FL 32896-5007  
 14970425 +E-mail/PDF: gecsedirecoverycorp.com Oct 30 2019 03:36:01 Synch / Walmart, Po Box 965024,  
 Orlando, FL 32896-5024  
 15007328 +E-mail/PDF: gecsedirecoverycorp.com Oct 30 2019 03:36:02 Synchrony Bank,  
 c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021  
 15007609 +E-mail/Text: bncmail@w-legal.com Oct 30 2019 03:11:54 TD Bank USA, N.A.,  
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132

TOTAL: 24

District/off: 0315-2

User: jhel  
Form ID: 149

Page 2 of 2  
Total Noticed: 40

Date Rcvd: Oct 29, 2019

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Toyota Motor Credit Corporation  
cr\* +Duchesne Light Company, c/o Bernstein-Burkley, P.C.,  
707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945  
cr\* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTALS: 1, \* 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Oct 31, 2019

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 29, 2019 at the address(es) listed below:

Daniel P. Foster on behalf of Debtor Kenneth C Whiteleather dan@mrdebtbuster.com,  
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com  
James Warmbrodt on behalf of Creditor Toyota Motor Credit Corporation bkgroup@kmlawgroup.com  
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,  
jbluemle@bernsteinlaw.com  
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5